

Appl. No. 09/736,617
Amdt. dated March 22, 2005
Reply to Office Action of September 22, 2004

PATENT

REMARKS/ARGUMENTS

Amendments

As suggested by the Examiner, the specification is amended to correct several oversights that are grammatical, clerical or typographical in nature. Additionally, the claims are modified in the amendment. More specifically, claims 1, 3, 6, 8, 12, 15, and 20 have been amended; and claims 2, 9, and 16 have been cancelled. Therefore, claims 1, 3-8, 10-15, and 17-21 are present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

Common Ownership of Application and Safadi et al.

The present Application No. 09/736,617 and Patent No. 6,256,393 to Safadi et al. were, at the time of invention of Application 09/736,617 was made, owned by General Instrument Corporation. Accordingly, any use of Patent No. 6,256,393 in an obviousness rejection that relies using 35 U.S.C. §102(e) is prohibited by 35 U.S.C. §103(c).

Common Inventors Between Application and Safadi et al.

The present Application No. 09/736,617 and Patent No. 6,256,393 to Safadi et al. have common inventors. Specifically, both the Application and Patent No. 6,256,393 to Safadi et al. have Reem Safadi and Lawrence Vince as inventors. A petition to correct inventorship in this way was filed today.

35 U.S.C. §102 Rejection, Safadi et al.

The Office Action has rejected claims 1, 3-6, 8, 10, 12-13, 15 and 17-21 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,256,393 to Safadi et al. (hereinafter "Safadi"). Applicants believe the §102 rejection is no longer appropriate since the independent claims have been amended to include limitations from claims not subject to the

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§102 rejection. Applicants note that the claim scope between the Application and Safadi et al. is different and that the inventors in Safadi are also inventors in the present case. Reconsideration is respectfully requested.

35 U.S.C. §103 Rejection, Safadi et al. in view of Maillard

The Office Action has rejected claims 2, 11 and 16 under 35 U.S.C. §103(a) as being unpatentable over Safadi in view of the cited portions of U.S. Patent No. 6,393,562 to Maillard (hereinafter "Maillard"). Claims 2 and 16 are canceled. Safadi is not §103 prior art that can be applied to claim 11. Reconsideration is respectfully requested.

35 U.S.C. §103 Rejection, Safadi et al. in view of Dyer

The Office Action has rejected claims 7 and 14 under 35 U.S.C. §103(a) as being unpatentable over Safadi in view of the cited portions of U.S. Patent No. 6,305,019 to Dyer (hereinafter "Dyer"). Safadi is not applicable §103 prior art. Reconsideration is respectfully requested.

35 U.S.C. §103 Rejection, Safadi et al. in view of Wasilewski et al.

The Office Action has rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Safadi in view of the cited portions of U.S. Patent No. 6,157,719 to Wasilewski et al. (hereinafter "Wasilewski"). Claim 9 is canceled.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

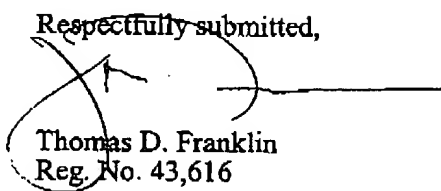
If the Examiner believes a telephone conference would expedite prosecution of

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this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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